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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/549,804   | 03/29/2006  | James A. Russell     | RUSSELL3            | 2168             |
| 1444 7590 09/15/2008<br>BROWDY AND NEIMARK, P.L.L.C.<br>624 NINTH STREET, NW<br>SUITE 300<br>WASHINGTON, DC 20001-5303 |             |                      |                     |                  |
| EXAMINER   |             |                      |                     |                  |
| POHNERT, STEVEN C  |             |                      |                     |                  |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
| 1634   |             |                      |                     |                  |
| MAIL DATE  |             | DELIVERY MODE        |                     |                  |
| 09/15/2008   |             | PAPER                |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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|---------------------------------|-------------|---|---------------------|
| 10549804                        | 3/29/2006   | RUSSELL ET AL.                                    | RUSSELL3            |

## EXAMINER

STEVEN C. POHNERT

| ART UNIT | PAPER |
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1634

20080911

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

## Commissioner for Patents

1. The reply filed on 5/14/2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant was required to elect a specific polymorphism or combination of polymorphisms in the restriction requirement of 3/14/2008. However, the response states, "As for a further election of a polymorphic site (Section I/B, above), Applicants elect, with traverse, and in view of the interview, the group of polymorphic positions (or SNPs) located at nucleotide 12580, and with respect to claim 21, combination of this position with positions 7121, 7437, 8070, 8406, 9463, 9466, 12219, 13889 and 14440." Applicant thus has not elected a specific polymorphism or combination of polymorphism, but both and thus is non-responsive. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEVEN C. POHNERT whose telephone number is (571)272-3803. The examiner can normally be reached on Monday-Friday 6:30-4:00, every second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached on 571-272-0735. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Steven Pohnert

/Steven C Pohnert/  
Examiner, Art Unit 1634